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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
08/963,944	11/04/97	O'CALLAGHAN	D 4743-16

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EXAMINER

NGUYEN, T

ART UNIT	PAPER NUMBER
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2714

DATE MAILED: 12/27/99

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.
08/963,944

Applicant(s)
Daniel O'Callaghan

Examiner
Tan Anh Nguyen

Group Art Unit
2714



☐ Responsive to communication(s) filed on _____

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

☒ Claim(s) 1-28 is/are pending in the application.

Of the above, claim(s) _____ is/are withdrawn from consideration.

☒ Claim(s) 28 is/are allowed.

☒ Claim(s) 1-27 is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☒ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been

☐ received.

☐ received in Application No. (Series Code/Serial Number) _____

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☒ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____

☐ Interview Summary, PTO-413

☒ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

Art Unit: 2714

DETAILED ACTION

Specification

1. The disclosure is objected to because of the following informality:

- "80" in line 10, page 12 should be "82".

Appropriate correction is required.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

3. Claims 1-3, 9, 14-16, 22 and 27 are rejected under 35 U.S.C. 102(e) as being anticipated by Eyer et al. (US Patent No. 5,982,411).

With respect to claim 1, Eyer et al. teaches a method of channel selection (185, Fig. 1; at least col. 7, lines 21-23) in a receiver (110, Fig.2; at least col. 7, lines 31-67) to receive a grouping of primary channels comprising the steps of :

Art Unit: 2714

a) the claimed generating an on-screen display (150, Fig. 1; col. 7, line 25) which indicates to a viewer if a selected primary channel (Table 2, col. 5) has at least one multiplex secondary channel (Table 2, col. 5) associated therewith; and

b) the claimed receiving a command (at least col. 6, lines 56-67) entered by the viewer for selecting the at least one multiplex secondary channel (at least col. 9, line 58-col. 10, line 16) associated with the selected primary channel.

With respect to claim 2, Eyer et al. teaches the grouped channels (at least col. 3) to be designated by a common channel designator such as a channel number.

With respect to claim 3, Eyer et al. teaches all channels that are members of a common group appear with the same virtual channel message (at least col. 17).

With respect to claim 9, Eyer et al. teaches a series of commands (col. 4, line 67-col. 5, line 42) from the viewer for sequencing through all channels in the group associated with the selected primary channel.

With respect to claim 27, Eyer et al. teaches a channel selection (user control signal, Fig. 1; at least col. 6, lines 56-67) for allowing a viewer to easily navigate television programs which are grouped according to a common service provider or other grouping criteria by depressing the "channel up" or "channel down" button.

Claims 14, 15, 16 and 22 are apparatus claims corresponding to method claims 1, 2, 3 and 9. Therefore, claims 14, 15, 16 and 22 are rejected for the same rationales set forth for claims 1, 2, 3 and 9.

Art Unit: 2714

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 4, 5, 7, 10, 12, 17, 18, 20, 23 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Eyer et al. in view of Blonstein et al. (US Patent No. 5,978,043).

With respect to 4, Eyer et al. discloses all the subject matter as discussed with regard to claim 3; except for a series of icons with one of the icons corresponding to each of the multiplex channels associated with the selected anchor channel.

Eyer et al. does not disclose expressly a series of icons with one of the icons corresponding to each of the multiplex channels associated with the selected anchor channel. However, Blonstein et al. teaches a plurality of graphical channel boxes containing logos of the multiplex channels (802, Fig. 6; at least col. 9, lines 29-32).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Blonstein et al. into the teaching of Eyer et al., thereby permitting a viewer to access to a series of logos with one of the logos corresponding to each of the multiplex channels. That modification would have brought less confusion to viewer with the concept of networks to select the channel assignments of existing programming services.

Art Unit: 2714

With respect to claim 5, Eyer et al. teaches the groups may be determined as a programming theme (col. 6, lines 22-33). Furthermore, Blonstein et al. discloses a graphical box theme (910, Fig. 8; col. 11, lines 23-24).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teaching of Blonstein et al. and the teaching of Eyer et al., thereby permitting a viewer to have the corresponding icon in the on-screen display replaced with a descriptive title of program content. That combination would have provided to a viewer an easy and shorter way to recognize the descriptive title of program content.

With respect to claim 7, Eyer et al. teaches the groups may be determined according to various criteria such as a programming theme (col. 6, lines 22-23). Furthermore, Blonstein et al. teaches a list choice graphical boxes (906, 908 and 910, Fig. 8; col. 11, at least lines 23-30).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teaching of Blonstein et al. and the teaching of Eyer et al., thereby permitting a viewer to have at least one of the icons indicative of program content. That combination would have helped a viewer to access faster the program content.

With respect to claim 10, Eyer et al. discloses all the subject matter as discussed with regard to claim 1; except for an on-screen electronic programming guide.

Eyer et al. does not explicitly disclose the on-screen electronic programming guide. However, Blonstein et al. teaches a program guide mode (812, Fig. 6; col. 10, lines 24-27).

Art Unit: 2714

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Blonstein et al. into the teaching of Eyer et al., thereby providing an on-screen electronic programming guide displaying information regarding programs available. That modification would have taken a viewer through a short and direct way to an on-screen electronic programming guide.

With respect to claim 12, Eyer et al. teaches a virtual channel designator (Tables 1-2; at least col. 4, lines 33-36). Furthermore, Blonstein et al. teaches graphical boxes containing the channel number and logo (802, Fig. 6; col. 9, lines 24-32).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teaching of Blonstein et al. with the teaching of Eyer et al., thereby permitting one or more symbols to indicate an association between a set of secondary channels and a corresponding primary channel. That modification would have maintained a loyal viewership in order to set profitable advertising rates.

Claims 17, 18, 20, 23 and 25 are apparatus claims corresponding to method claims 4, 5, 7, 10 and 12. Therefore, claims 17, 18, 20, 23 and 25 are rejected for the same rationales set forth for claims 4, 5, 7, 10 and 12.

6. Claims 6, 8, 19 and 21 are rejected under 35 USC 103(a) as being unpatentable over Eyer et al. in view of Blonstein et al., and further in view of Bedard (US Patent No. 5,793,438).

Art Unit: 2714

7. With respect to claim 6, Eyer et al. and Blonstein et al. disclose all the subject matter as discussed with regard to claim 4; except for the series of standard icons utilized by broadcast providers supplying the anchor channels and any associated multiplex channels.

Neither Eyer et al. nor Blonstein et al. disclose expressly the series of standard icons. However, Bedard teaches various assigned category icons (406 and 506, Fig. 5; col. 4, at least lines 54-59).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teaching of Bedard with the teaching of Eyer et al., thereby allowing a viewer to select from a set of standard icons utilized by different broadcast providers supplying the primary channels and any secondary channels. That modification would have taken a viewer through an easy and simple hierarchy of screens of categories.

With respect to claim 8, Eyer et al. and Blonstein et al. disclose all the subject matter as discussed with regard to claim 4; except for one of the icons displayed in a first color, and the remaining icons displayed in a second color.

Neither Eyer et al. nor Blonstein et al. explicitly disclose the colors of icons. However, Bedard teaches the icons (504, Fig. 5; at least col. 4, lines 50-54) having different colors.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to integrate the teaching of Bedard into the teaching of Eyer et al., thereby permitting a viewer to select a given one of the icons displayed in a first color and the remaining

Art Unit: 2714

icons displayed in a second color. That modification would have allowed a viewer at a glance differentiating the current channel and the remaining channels.

Claims 19 and 21 are apparatus claims corresponding to method claims 6 and 8.

Therefore, claims 19 and 21 are rejected for the same rationales set forth for claims 6 and 8.

8. Claims 11 and 24 are rejected under 35 USC 103(a) as being unpatentable over Eyer et al. in view of Blonstein et al., and further in view of Banker et al. (US Patent No. 5,301,028).

With respect to claim 11, Eyer et al. and Blonstein et al. disclose all the subject matter as discussed with regard to claim 10; except for the identifiers of a set of multiplex channels and an identifier of a corresponding anchor channel.

Neither Eyer et al. and Blonstein et al. explicitly disclose the identifiers of a set of multiplex channels and an identifier of a corresponding anchor channel. However, Banker et al. teaches channel identifiers (413, Fig. 9; at least col. 10, lines 55-66).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teaching of Banker et al. with the teachings of Eyer et al. and Blonstein et al., thereby providing identifiers of a set of multiplex channels and an identifier of a corresponding primary channel wherein the identifiers of the secondary channels are indented relative to the identifier of the corresponding primary channel. That combination would have promoted flexibility and permit system operators to set channel identifiers particular to their respective systems.

Art Unit: 2714

Claim 24 is apparatus claim corresponding to method claim 11. Therefore, claim 24 is rejected for the same rationales set forth for claim 11.

9. Claims 13 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Eyer et al. in view of Schwob (US Patent No. 5,152,012).

With respect to claim 13, Eyer et al. discloses all the subject matter as discussed with regard to claim 1; except for the indication of the geographic area of a broadcast provider supplying the selected channel.

Eyer et al. does not explicitly teach the indication of the geographic area of a broadcast provider (col. 6, lines 43-50) supplying the selected channel. However, Schwob discloses the current geographic location of the network affiliation (Fig. 17; col. 6, line 57- col. 7, line 7).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Schwob into the teaching of Eyer et al., thereby permitting to display an indication of the geographic area of a broadcast provider. That modification would have easily understood by a viewer to recognize the network affiliation and its geographical location.

Claim 26 is an apparatus claim corresponding to method claim 13. Therefore, claim 26 is rejected for the same rationales set forth for claim 13.

Art Unit: 2714

Allowable Subject Matter

10. Claim 28 is allowable over the prior art of record.

11. The following is an examiner's statement of reasons for allowance :

Claim 28 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Mano et al. (US Patent No. 5,793,366) discloses a graphical display of an animated data stream between devices on a bus.

- Nykerk (US Patent No. 5,883,680) discloses a remote control of a television receiver with locator feature or the like.

- Florin et al. (US Patent No. 5,594,509) discloses a method and apparatus for audio-visual interface for the display of multiple levels of information on a display.

- Mankovitz (US Patent No. 5,703,795) discloses an apparatus and methods for accessing information relating to radio and television programs.

Art Unit: 2714

- Yoneda et al. (US Patent No. 5,200,823) discloses virtual channels for multiplexed analog component television system.

- Vancelette (US Patent 5,894,320) discloses a multi-channel television system with viewer-selectable video and audiosignals.

- Miller et al. (US Patent No. 5,585,866) discloses an electronic television program guide schedule system and method including virtual channels.

- Roop et al. (US Patent No. 5,790,198) discloses a television schedule transmission and utilization system and process.

13. Any inquiring concerning this communication or earlier communications from the examiner should be directed to Tan Nguyen whose telephone number is (703) 306-5979. The examiner can normally be reached on Monday-Thursday from 7:30 AM to 5:00 PM. The examiner can also be reached on alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Peng, can be reached on (703) 305-4702.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-4700.

Any response to this action should be mailed to:

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Washington, D.C. 20231

Art Unit: 2714

Or faxed to:

(703) 308-9051 (for formal communications intended for entry)

Or

(703) 308-5359 (for informal or draft communications, such as proposed amendments to be discussed an interview; please label such communications "PROPOSED" or "DRAFT")

Or hand-carrier to:

Crystal Park Two
2121 Crystal Drive
Arlington, VA.
Sixth Floor (Receptionist)



JOHN K. PENG
SUPERVISORY PATENT EXAMINER
GROUP 2700

/tan

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